

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 13-CR-0074(1) (PJS/FLN)

Plaintiff,

v.

ORDER

MICHAEL ANDREW SCHLEGEL,

Defendant.

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This matter is before the Court on defendant Michael Andrew Schlegel's pro se motion to be provided an opportunity for allocution at his sentencing hearing and to be released on bail pending the appeal of his conviction. *See* ECF No. 128. The Court denies the motion without prejudice. Schlegel is represented by counsel, and as long as he is represented by counsel, he must act through that counsel. "There is no constitutional or statutory right to simultaneously proceed pro se and with benefit of counsel." *United States v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994). Accordingly, "a trial judge has every right to insist that a criminal defendant who is represented by counsel address the court through counsel." *Reed v. Symmes*, No. 08-CV-4998, 2010 WL 1995607, at \*6 (D. Minn. May 18, 2010).

That said, Schlegel need not move for permission to speak at his sentencing hearing. Fed. R. Crim. P. 32(i)(4)(A)(ii) requires that, prior to sentencing, the defendant be given an opportunity "to speak or present any information to mitigate the sentence . . . ." Schlegel, like all defendants, will be provided an opportunity for allocution at his sentencing hearing. Moreover, in deciding on Schlegel's sentence, the Court will read and consider the statement filed by Schlegel in conjunction with his motion. Schlegel need not submit that statement again through counsel.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS  
HEREBY ORDERED that defendant Michael Andrew Schlegel's motion for allocution and  
release on bond pending appeal [ECF No. 128] is DENIED WITHOUT PREJUDICE.

Dated: July 24, 2014

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge